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10/632,479	08/01/2003	Yuri Leontiev	INTU-990057	3014
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PVF -- INTUIT, INC. c/o PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER MURDOUGH, JOSHUA A	
			ART UNIT 3621	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/632,479	<b>Applicant(s)</b> LEONTIEV ET AL.	
	<b>Examiner</b> JOSHUA MURDOUGH	<b>Art Unit</b> 3621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 38-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Acknowledgements***

1. This action is responsive to Applicants' amendments received 12 August 2009.
2. This action has been assigned paper number 20091223 for reference purposes only.
3. Claims 38-47 are pending.
4. Claims 38-47 have been examined.

### ***Drawings***

5. The drawings are objected to because they are difficult to read. This is most notable in Figures 1 and 7. The Examiner notes that hand drawn figures are frequently difficult to reproduce in a manner in which they can be easily read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not

accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The Examiner suggests ensuring that any amendments made to the claims are shown in the drawings. As the prosecution is in the later stages, the Examiner suggests a review of formal matters to avoid delays in case the subsequent action indicates allowable subject matter.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 38-41, 46, and 47 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rabin (US 6,697,948) in view of Krishnan (US 6,073,124).

9. As to claim 38, Rabin shows:

- a. A computer implemented client method for dynamically managing a user software license, the method comprising:
- b. receiving an action from the user **213** to access a software program (software(SW)) (Figure 12, step 370);
- c. responsive to receiving the action from the user, sending a request (call up) to a server computer (guardian center) for an authorization to access the software program (Id.), the request including license verification information concerning the user (tag) (Figure 12, step 372),

- d. receiving current software license information concerning the user from the server computer (Figure 12, step 374); and
  - e. storing (an update stores new information) received current software license information concerning the user (Figure 12, step 375), wherein the received current software license information indicates that the user is licensed to run the additional feature (The updated license would indicate all rights for the instance of the software. These rights are enforced by the supervising program on a per file basis. C 8, LL 45-47).
10. Rabin does not expressly show:
- f. the action from the user is for access to an additional feature for an existing software program, wherein the additional feature provides an additional functionality for the software program; and
  - g. receiving the additional feature of the software program.
11. However, Krishnan shows:
- h. the action from the user is for access to an additional feature (“component,” C 5, LL 6-27) for an existing software program (“item” Id.), wherein the additional feature provides an additional functionality for the software program (Id.); and
  - i. receiving the additional feature of the software program **909**.
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Rabin to break up the software into components that

are individually downloadable, purchasable, and licensed as taught by Krishnan. Providing and licensing software in components would prevent piracy by only distributing the software components to legitimate customers (Krishnan, C 4, LL 40-44)

13. As to claim 39, Rabin further shows:

- j. performing at least one step (Figure 12, step 376) from a group of steps comprising:
  - k. displaying a message to the user indicating that the user is not licensed to run the software program (Column 54, lines 14-17);
  - l. providing the user with an opportunity to purchase a license to run the software program (Column 59, lines 38-57);
  - m. allowing the user to run the software program without a license for a limited time only (Column 5, lines 36-53);
  - n. allowing the user to run the software program without a license a limited number of times only (Id.); and
  - o. terminating the software program, such that the user cannot run the software program (Column 54, lines 14-19).

14. As to claim 40, Rabin further shows:

the received current software license information concerning the user comprises modified license information concerning the user (the tag is modified in Figures 13A and 13B, therefore, the next time the tag is sent it would be modified).

15. As to claim 41, Rabin further shows:

- p. the modified license information concerning the user comprises a user software license from a group of user software licenses comprising:
- q. an activated user software license (installed, Figure 6);
- r. a deactivated user software license (gc\_disabled, Id.);
- s. an extended user software license (continued, Id.);
- t. a restricted user software license (policy, Columns 55-56, lines 57-10);

16. As to claim 46, Rabin shows:

- u. A computer readable medium **200** containing instructions that, when executed, cause the computer system to perform desired actions for dynamically managing a user software license, wherein the instructions comprise:
- v. program code for receiving an action from the user **213** to access a software program (Figure 12, step 370);
- w. program code for, responsive to receiving the action from the user, sending a request (call up) to a server computer (guardian center) for an authorization to access the software program (Id.), the request including identification information

concerning the user (fingerprint), and license verification information concerning the user (tag) (Figure 12, step 372), thereby allowing the server computer to determine whether current software license information concerning the user needs to be updated ("The supervising program determines that a call-up procedure is required," Column 16, lines 60-61) and, based on the determination, to store an update to the current software license information ("performs the call-up procedure to update the status of tags stored in the tag table," Column 16, lines 63-64);

- x. program code for receiving current software license information concerning the user from the server computer (Figure 12, step 374);
- y. program code for storing (an update stores new information) received current software license information concerning the user (Figure 12, step 375), wherein the received current software license information indicates that the user is licensed to run the additional feature (The updated license would indicate all rights for the instance of the software. These rights are enforced by the supervising program on a per file basis. C 8, LL 45-47).

17. Rabin does not expressly show:

- z. the action from the user is for access to an additional feature for an existing software program, wherein the additional feature provides an additional functionality for the software program; and
- aa. receiving the additional feature of the software program.



18. However, Krishnan shows:

- bb. the action from the user is for access to an additional feature (“component,” C 5, LL 6-27) for an existing software program (“item” Id.), wherein the additional feature provides an additional functionality for the software program (Id.); and
- cc. receiving the additional feature of the software program **909**.

19. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Rabin to break up the software into components that are individually downloadable, purchasable, and licensed as taught by Krishnan. Providing and licensing software in components would prevent piracy by only distributing the software components to legitimate customers (Krishnan, C 4, LL 40-44).

20. As to claim 47, Rabin shows:

- dd. A computer system for dynamically managing a user software license, the computer system comprising:
- ee. a mechanism for receiving an action from the user **213** to access a software program (software(SW)) (Figure 12, step 370);
- ff. a mechanism for, responsive to receiving the action from the user, sending a request (call up) to a server computer (guardian center) for an authorization to access the feature of the software program (Id.), the request including identification information concerning the user (fingerprint), and license verification information concerning the user (tag) (Figure 12, step 372), thereby allowing the server computer to determine whether current software license

information concerning the user needs to be updated ("The supervising program determines that a call-up procedure is required," Column 16, lines 60-61) and, based on the determination, to store an update to the current software license information ("performs the call-up procedure to update the status of tags stored in the tag table," Column 16, lines 63-64);

- gg. a mechanism for receiving current software license information concerning the user from the server computer (Figure 12, step 374); and
- hh. a mechanism for storing received current software license information concerning the user (Figure 12, step 375) wherein the received current software license information indicates that the user is licensed to run the additional feature (The updated license would indicate all rights for the instance of the software. These rights are enforced by the supervising program on a per file basis. C 8, LL 45-47).

21. Rabin does not expressly show:

- ii. the action from the user is for access to an additional feature for an existing software program, wherein the additional feature provides an additional functionality for the software program; and
- jj. receiving the additional feature of the software program.

22. However, Krishnan shows:

kk. the action from the user is for access to an additional feature (“component,” C 5, LL 6-27) for an existing software program (“item” Id.), wherein the additional feature provides an additional functionality for the software program (Id.); and

ll. receiving the additional feature of the software program **909**.

23. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the teachings of Rabin to break up the software into components that are individually downloadable, purchasable, and licensed as taught by Krishnan. Providing and licensing software in components would prevent piracy by only distributing the software components to legitimate customers (Krishnan, C 4, LL 40-44).

24. Claims 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rabin and Krishnan as applied to claim 38 above, and further in view of another embodiment of Rabin.

25. As to claims 42-44, the Rabin/Krishnan combination teaches as disclosed above, but does not expressly teach:

mm. creating a current hardware configuration identifier of the computer associated with the user; and

nn. comparing the received hardware configuration identifier to the current hardware configuration identifier.

26. However, Rabin teaches, outside of the embodiment used above, the use of a hardware identifier, specifically a processor identifier, compared with the stored value to enable, or prevent the use of software (Columns 1-2, lines 57-2). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have further modified the teachings of the first embodiment of Rabin to use a processor identifier in the authentication of the user device because hardware identifiers are more difficult to alter.

27. As to claim 45, Rabin further shows:

- oo. performing at least one step (Figure 12, step 376) from a group of steps comprising:
- pp. displaying a message to the user indicating that the user is not licensed to run the software program (Column 54, lines 14-17);
- qq. providing the user with an opportunity to purchase a license to run the software program (Column 59, lines 38-57);
- rr. allowing the user to run the software program without a license for a limited time only (Id.); and
- ss. allowing the user to run the software program without a license a limited number of times only (Column 54, lines 14-19).

### ***Response to Arguments***

28. Applicant's arguments with respect to claims 38-47 have been considered but are moot in view of the new ground(s) of rejection.

29. It is the Examiner's position that the argued deficiencies of Rabin which were added by Applicants' amendments are shown by Krishnan.

30. While it is the Examiner's position that the claims as amended are made obvious by Rabin and Krishnan, it is also his position that prosecution has been significantly advanced by the amendments. It is respectfully suggested that Applicants review the specification to find any features that would distinguish the per feature licensing from that of Krishnan. Any such feature would likely overcome the Rabin/Krishnan combination, and unless another reference can be found would possibly result in allowable subject matter.

31. Additional references that could potentially replace the Krishnan reference have been included on the attached "Notice of References Cited" sheet. Applicant is advised to review these additional references prior to making any amendments to increase the likelihood of any amendment made resulting in allowable subject matter.

32. As always, Applicants are welcome to contact the Examiner to discuss this or other matters related to this Application.

### ***Conclusion***

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA MURDOUGH whose telephone number is (571)270-3270. The Examiner can normally be reached on Monday - Thursday, 7:00 a.m. - 5:00 p.m.

36. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joshua Murdough  
Examiner, Art Unit 3621

/ANDREW J. FISCHER/  
Supervisory Patent Examiner, Art Unit 3621